IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 10697 of 1999

Between:

1. K.Bulliraju, S/o Tatalu @ Subbanna, Aged 35 years,
   Occ: Cultivation, R/o:Tadiparru Villge, Undrajavaram (M),
   West Godavari District.
2. K.Anasuya, w/o Tatalu @ Subbanna, Aged 56 years,
   Occ:Housewife, R/o: Tadiparru Villge, Undrajavaram (M),
   West Godavari District.

PETITIONERS

AND

1 The District Collector,
West Godavari District, Eluru.
2 The Revenue Divisional Officer,
West Godavari District, Eluru.

RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue an order or orders, or writ more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents 1 & 2 in interfering converting operations of our land into Fish Tanks is as illegal, arbitrary and voilative of fundamental rights Gauranteed under constitution of India and consequentlly direct the respondents 1 and 2 not to interfere with the converting operations of lands into Fish Tanks of petitioners herein

situated in R.S.No.293, R.S.No.218, R.S.No.291/8,R.S.No.314 of first Petitioner and land situated in E.S.No.292 of second petitioner respectively belonging to Gogunta village PEdapadu Mandal, Eluru, W.G.District.

Counsel for the Petitioner: MR.KANDULA.VIJAY KUMAR REDDY

Counsel for the Respondent No. 1 & 2.: GP FOR REVENUE

The Court made the following :

ORDER:

The case of the petitioners is that they are absolute owners of the land paying land revenue and they decided to convert their land into Fish Tanks and engaged heavy machinery for digging by investing huge sums and also labour, encouraged by the policy of the Government of Andhra Pradesh and in view of the fact that the land is outside the purview of coastal regulation Zone and does not cause any environment hazard. The land is also not within the peripheral area earmarked by the government for the purpose of protecting and developing wild life. While so, the respondent 1 and 2 went to the lands of the petitioners and interfering with the digging operations and threatened to seize the machinery, if the operations are not stopped. Therefore, the petitioners came up with the present writ petition.

Consequent on receipt of Rule Nisi, the respondent No.2 filed counter affidavit. Among other contentions, at para No.7, it is stated that there are fish tanks in and around the village Gogunta, but they were dug long before when the tanks were not held objectionable on environment hazard either by the public or Governments. It is further stated that Gogunta village adjoins Kollair and also Budfameru drain and the ryots who felt that their lands are fit and vulnerable to fish tank, resorted to conversion of their lands into fish tanks and that by itself is not a ground for the petitioners to convert their land also into fish tank indiscriminately without regard to the environmental hazard to the public. It is also stated that the contention of the petitioner that for their survival their action of conversion of the land is justified,

cannot be accepted, when it is in violation of the Rules in vogue.

Having regard to the fact that Gogunta village adjoins Kollair and also Budfameru drains and previously the ryots who felt that their lands vulnerable to fish tank, resorted to conversion of their lands into fish tanks, therefore, at this point of time, without having regard to the environmental hazards, the petitioner cannot resort to convert the land into fish tank, and that by itself, does not confer any right on the petitioner to convert his land into fish tank, more particularly when it is contrary to the Rules in vogue. For these reasons, the writ petition deserves to be dismissed and is accordingly dismissed. No order as to costs.

Elipe Dharma Rao, J.

June 9, 2005

MAS.

To

1 The District Collector,
West Godavari District, Eluru.
2 The Revenue Divisional Officer,
West Godavari District, Eluru.

3. 2 Copies to the Govt. Pleader for Revenue,

A.P.High Court Buildings, Hyderabad.

4. 2 CD copies

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